

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEOWULF VON PRINCE,

Plaintiff,

v.

DSM NUTRITIONAL PRODUCTS LLC,
et al.,

Defendants.

Case No. 20-cv-01283-VC

**ORDER GRANTING MOTIONS TO
DISMISS**

Re: Dkt. Nos. 12, 26

The complaint is dismissed as against both defendants for lack of jurisdiction.

As far as the Court can determine with respect to defendant Swiss Post Solutions, von Prince has not pleaded any facts that show personal jurisdiction (either general or specific jurisdiction) over the defendant in California. *See Daimler AG v. Bauman*, 571 U.S. 117, 133 (2014). The fact that von Prince alleges joint and several liability between the defendants does not provide a basis for personal jurisdiction under U.S. law.

With respect to defendant DSM Nutritional Products LLC, von Prince does not seem to allege any facts that give rise to Article III standing—in particular, he does not adequately allege that this particular defendant (rather than another corporation, DSM Nutritional Products AG) took any action that caused him injury, nor does he adequately allege any alter ego or agency theory for holding the subsidiary defendant liable for the acts of the parent. The fact that von Prince apparently possesses an assignment of rights does not change the fact that the complaint contains no allegations that the named defendant caused any injury to anyone. *Cf. Pritikin v.*

Dep't of Energy, 254 F.3d 791, 798 (9th Cir. 2001) (finding lack of standing where plaintiff "sued the wrong party").¹

It seems highly unlikely that von Prince will be able to clear these jurisdictional hurdles. Furthermore, even if he did, it seems very unlikely that will be able to state a claim against either defendant. It also seems very unlikely that it would be proper to litigate this case in the Northern District of California, as the dispute seems to have no connection to this venue. But out of an abundance of caution, von Prince is granted leave to amend his complaint. Any amended complaint is due within 21 days of this ruling. Responses to the amended complaint are due 14 days thereafter.

IT IS SO ORDERED.

Dated: August 5, 2020



VINCE CHHABRIA
United States District Judge

¹ For the same reasons, the motion for execution is denied. The motion to strike the sur-reply is denied.